



**AN ORDINANCE TO ABANDON SMOKEY ROAD, N.W. BETWEEN CHURCH STREET AND DEAD-END OF SMOKEY ROAD; AND CHURCH STREET, N.W. BETWEEN SMOKEY ROAD AND PERRY BOULEVARD, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta has received a formal request from the agent for the abutting property owners, to abandon the above referenced portion of SMOKEY ROAD, N.W. BETWEEN CHURCH STREET AND DEAD-END OF SMOKEY ROAD; AND CHURCH STREET, N.W. BETWEEN SMOKEY ROAD AND PERRY BOULEVARD [described in Exhibit "A" hereof and hereafter referred to as "SMOKEY ROAD AND CHURCH STREET"];

WHEREAS, the abandoned portion of SMOKEY ROAD AND CHURCH STREET will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

**Section 1.** That the portion of SMOKEY ROAD AND CHURCH STREET located between PERRY BOULEVARD and the DEAD-END OF SMOKEY ROAD, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 252 of the 17TH District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

**Section 2.** That the City hereby expresses its intent to abandon SMOKEY ROAD AND CHURCH STREET (as hereinabove defined).

**Section 3.** That the abutting property owner's does not have to pay the fair market value of the abandoned street due to non use of streets and connectivity.

**Section 4.** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**Section 5.** That shall be no appraisal for the above location.

**Section 6.** That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

**Section 7.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.